



House of Representatives

General Assembly

File No. 363

February Session, 2002

Substitute House Bill No. 5497

House of Representatives, April 8, 2002

The Committee on Education reported through REP. STAPLES of the 96th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT IMPLEMENTING THE PROVISIONS OF PUBLIC LAW 107-110 AND CONCERNING INTERDISTRICT MAGNET SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2002*) (a) In conformance with the
2 No Child Left Behind Act, P.L. 107-110, and with implementation
3 conditioned on the receipt of sufficient federal funds, as determined by
4 the Commissioner of Education:

5 (1) Beginning in the school year 2005-2006, each student enrolled in
6 grades three to eight, inclusive, and ten in any public school shall,
7 annually, in April, take a state-wide mastery examination that
8 measures the essential and grade-appropriate skills in reading, writing
9 and mathematics; and

10 (2) Beginning in the school year 2007-2008, each student enrolled in
11 grades five, eight and ten in any public school shall, annually, in April,
12 take a state-wide mastery examination in science.

13 (b) Mastery examinations pursuant to this section shall be provided
14 by and administered under the supervision of the State Board of
15 Education.

16 Sec. 2. Section 10-14q of the general statutes, as amended by section
17 1 of public act 01-205, is repealed and the following is substituted in
18 lieu thereof (*Effective July 1, 2002*):

19 The provisions of this chapter shall apply to all students requiring
20 special education pursuant to section 10-76a, except in the rare case
21 when the planning and placement team for an individual student
22 determines that an alternate assessment as specified by the State Board
23 of Education is appropriate. The provisions of this chapter shall not
24 apply to (1) any limited English proficient student enrolled in school
25 for ten school months or less, [in a bilingual program pursuant to
26 sections 10-17e and 10-17f or to any student enrolled for ten school
27 months or less in an English as a second language program] or (2) any
28 limited English proficient student enrolled in school for more than ten
29 school months and less than twenty school months who scores below
30 the level established by the State Board of Education on the linguistic
31 portion of the designated English mastery standard assessment
32 administered in the month prior to the administration of the state-wide
33 mastery examination.

34 Sec. 3. (NEW) (*Effective July 1, 2002*) (a) In conformance with the No
35 Child Left Behind Act, P.L. 107-110, the Commissioner of Education
36 shall prepare a state-wide education accountability plan, consistent
37 with federal law and regulation. Such plan shall identify the schools
38 and districts in need of improvement, require the development and
39 implementation of improvement plans and utilize rewards and
40 consequences.

41 (b) Public schools identified by the State Board of Education
42 pursuant to section 10-223b of the general statutes, revision of 1958,
43 revised to January 1, 2001, as schools in need of improvement shall: (1)
44 Continue to be identified as schools in need of improvement, and
45 continue to operate under school improvement plans developed

46 pursuant to said section 10-223b through June 30, 2004; (2) on or before
47 December 1, 2002, be evaluated by the local board of education and
48 determined to be making sufficient or insufficient progress; (3) if found
49 to be making insufficient progress by a local board of education, be
50 subject to a new remediation and organization plan developed by the
51 local board of education; (4) continue to be eligible for available federal
52 or state aid; (5) beginning in February, 2003, be monitored by the
53 Department of Education for adequate yearly progress, as defined in
54 the state accountability plan prepared in accordance with subsection
55 (a) of this section; and (6) be subject to rewards and consequences as
56 defined in said plan.

57 Sec. 4. (NEW) (*Effective July 1, 2002*) The Commissioner of Education
58 shall report, on or before February 15, 2003, and annually thereafter, in
59 accordance with section 11-4a of the general statutes, to the joint
60 standing committee of the General Assembly having cognizance of
61 matters relating to education on the implementation of the No Child
62 Left Behind Act, P.L. 107-110.

63 Sec. 5. Subsections (a) to (c), inclusive, of section 10-264l of the
64 general statutes are repealed and the following is substituted in lieu
65 thereof (*Effective July 1, 2002*):

66 (a) The Department of Education shall, within available
67 appropriations, establish a grant program to assist local and regional
68 boards of education, regional educational service centers and
69 cooperative arrangements pursuant to section 10-158a with the
70 operation of interdistrict magnet school programs. For the purposes of
71 this section "an interdistrict magnet school program" means a program
72 which (1) supports racial, ethnic and economic diversity, (2) offers a
73 special and high quality curriculum, and (3) requires students who are
74 enrolled to attend at least half-time. An interdistrict magnet school
75 program does not include a regional vocational agriculture school, a
76 regional vocational-technical school or a regional special education
77 center. [On and after] From July 1, 2000, to June 30, 2005, the governing
78 authority for each interdistrict magnet school program shall restrict the

79 number of students that may enroll in the program from a
80 participating district to eighty per cent of the total enrollment of the
81 program. On and after July 1, 2005, the governing authority for each
82 interdistrict magnet school program shall (A) restrict the number of
83 students that may enroll in the program from a participating district to
84 seventy-five per cent of the total enrollment of the program, and (B)
85 maintain such a school enrollment that at least twenty-five per cent but
86 not more than seventy-five per cent of the students enrolled are pupils
87 of racial minorities, as defined in section 10-226a. No student enrolled
88 in an interdistrict magnet school during the 2001-2002 school year shall
89 be displaced as a result of enrollment restrictions pursuant to this
90 section.

91 (b) Applications for interdistrict magnet school program operating
92 grants awarded pursuant to this section shall be submitted annually to
93 the Commissioner of Education at such time and in such manner as the
94 commissioner prescribes. In determining whether an application shall
95 be approved and funds awarded pursuant to this section, the
96 commissioner shall consider, but such consideration shall not be
97 limited to: (1) Whether the program offered by the school is likely to
98 increase student achievement; (2) whether the program is likely to
99 reduce racial, ethnic and economic isolation; [and] (3) the percentage of
100 the student enrollment in the program from each participating district;
101 [. On and after July 1, 2000,] and (4) the proposed operating budget
102 and the sources of funding for the interdistrict magnet school. If
103 requested by the commissioner, the applicant shall meet with the
104 commissioner or the commissioner's designee. If, after said meeting
105 and before June first, the applicant is unable to produce a balanced
106 budget for the operation of the interdistrict magnet school, the
107 commissioner may assume control and operate the school. If the school
108 is owned by a regional educational service center and the state
109 provided a construction grant pursuant to section 10-264h and chapter
110 173, for the full cost of the eligible expenses of construction or
111 acquisition, title to the building and any legal interest in appurtenant
112 land shall revert to the state. From July 1, 2000, to June 30, 2005, the
113 commissioner shall not award a grant to a program if more than eighty

114 per cent of its total enrollment is from one school district, except that
115 the commissioner may award a grant for good cause, for any one year,
116 on behalf of an otherwise eligible magnet school program, if more than
117 eighty per cent of the total enrollment is from one district. On and after
118 July 1, 2005, the commissioner shall not award a grant to a program if
119 more than seventy-five per cent of its total enrollment is from one
120 school district or if less than twenty-five or more than seventy-five per
121 cent of the students enrolled are pupils of racial minorities, as defined
122 in section 10-226a, except that the commissioner may award a grant for
123 good cause, for one year, on behalf of an otherwise eligible interdistrict
124 magnet school program, if more than seventy-five per cent of the total
125 enrollment is from one district or less than twenty-five or more than
126 seventy-five per cent of the students enrolled are pupils of racial
127 minorities. The commissioner may not award grants pursuant to such
128 an exception for a second consecutive year.

129 (c) (1) The maximum amount each interdistrict magnet school
130 program shall be eligible to receive per enrolled student shall be
131 determined as follows: [(1)] (A) For each participating district whose
132 magnet school program enrollment is equal to or less than thirty per
133 cent of the magnet school program total enrollment, ninety per cent of
134 the foundation as defined in subdivision (7) of section 10-262f; [(2)] (B)
135 for each participating district whose magnet school program
136 enrollment is greater than thirty per cent but less than or equal to sixty
137 per cent of the magnet school program total enrollment, a percentage
138 between sixty and ninety per cent of said foundation that is inversely
139 proportional to the percentage of magnet school program students
140 from such district; and [(3)] (C) for each participating district whose
141 magnet school program enrollment is greater than sixty per cent but
142 less than or equal to ninety per cent of the magnet school program
143 total enrollment, a percentage between zero and sixty per cent of said
144 foundation that is inversely proportional to the percentage of magnet
145 school program students from such district. The amounts so
146 determined shall be proportionately adjusted, if necessary, within the
147 limit of the available appropriation, and in no case shall any grant
148 pursuant to this section exceed the reasonable operating budget of the

149 magnet school program, less revenues from other sources. Any magnet
150 school program operating less than full-time but at least half-time shall
151 be eligible to receive a grant equal to sixty-five per cent of the grant
152 amount determined pursuant to this subsection.

153 (2) For fiscal years ending June 30, 2003, and June 30, 2004, the
154 commissioner may, within available appropriations, provide
155 supplemental grants for the purposes of enhancing educational
156 programs in such interdistrict magnet schools as the commissioner
157 determines. Such grants shall be made after the commissioner has
158 reviewed and approved the total operating budget for such schools,
159 including all revenue and expenditure estimates.

160 Sec. 6. Section 10-264l of the general statutes, as amended by section
161 65 of public act 01-173, is amended by adding subsections (j) and (k) as
162 follows (*Effective July 1, 2002*):

163 (NEW) (j) Each local or regional board of education that enrolls
164 students in an interdistrict magnet school shall contribute funds to
165 support the operation of the magnet school. If the interdistrict magnet
166 school determines that the amount of the financial contribution of any
167 local or regional board of education is insufficient to support the
168 proportional share of the education expenses of the interdistrict
169 magnet school, it may request the commissioner to review the amount
170 of the contribution. If the commissioner finds that the amount of the
171 contribution is insufficient, the commissioner may withhold from such
172 school district a reasonable sum payable under section 10-262h and
173 transfer such money to the fiscal agent for the magnet school as a
174 supplementary grant for the operation of the magnet school program.

175 (NEW) (k) A magnet school which has unused student capacity may
176 enroll directly any interested student into its program. The board of
177 education otherwise responsible for educating such child shall comply
178 with the provisions of subsection (j) of this section.

179 Sec. 7. Subsection (a) of section 10-10a of the general statutes is
180 repealed and the following is substituted in lieu thereof (*Effective July*

181 1, 2002):

182 (a) The Department of Education shall develop and implement a
183 state-wide public school information system. The system shall be
184 designed for the purpose of establishing a standardized electronic data
185 collection and reporting protocol that will facilitate compliance with
186 state and federal reporting requirements, improve school-to-school
187 and district-to-district information exchanges, and maintain the
188 confidentiality of individual student and staff data. The initial design
189 shall focus on student information, provided the system shall be
190 created to allow for future compatibility with financial, facility and
191 staff data. The system shall provide for the tracking of the performance
192 of individual students on each of the state-wide mastery examinations
193 under section 10-14n in order to allow the department to compare the
194 progress of the same cohort of students who take each examination.
195 [and to better analyze school performance for purposes of section 10-
196 223b.]

197 Sec. 8. (*Effective July 1, 2002*) Sections 10-223b to 10-223d, inclusive,
198 of the general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>July 1, 2002</i>
Sec. 2	<i>July 1, 2002</i>
Sec. 3	<i>July 1, 2002</i>
Sec. 4	<i>July 1, 2002</i>
Sec. 5	<i>July 1, 2002</i>
Sec. 6	<i>July 1, 2002</i>
Sec. 7	<i>July 1, 2002</i>
Sec. 8	<i>July 1, 2002</i>

ED *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected
GF - See Explanation Below	Department of Education

Note: GF=General Fund

Municipal Impact:

Effect	Municipalities	FY 03 \$	FY 04 \$
Cost	Local and Regional School Districts	Potential	Potential

Explanation

Section 1 of the bill results in no additional future cost to the state as it implements statewide testing of students in additional grades over and above what the state already does only if sufficient federal funding to do so is provided. The additional testing would begin in FY 06. Sufficient federal funds are anticipated for the development of these exams for the period prior to implementation.

Section 2 of the bill has no fiscal impact upon the state or local and regional school districts.

Section 3 of the bill, which requires the Commissioner of Education to prepare a statewide education accountability plan, can be carried out within existing agency resources.

Section 4 of the bill which requires the Commissioner of Education to annually report to the Education Committee on the implementation of the No Child Left Behind Act, P.L. 107-110 can be carried out within existing agency resources.

Section 5 of the bill which provides additional oversight over magnet school operating budgets may result in a savings to the state as

the costs of operating such schools may be contained to an extent that does not currently occur. In the last two fiscal years the state has provided additional funds to magnet schools operated by regional education service centers due to costs exceeding the revenues of such schools. Oversight of these operating expenditures by the Commissioner of Education may contain these costs in the future or eliminate them entirely.

Additionally section 5 provides that the Commissioner of Education may provide, within available appropriations, supplemental grants for the purposes of enhancing programs in certain interdistrict magnet schools in FY 03 and FY 04. The FY 03 budget as passed by the Appropriations Committee contains \$500,000 for this purpose.

Section 6 of the bill may result in increased costs to local and regional school districts as it would allow the Commissioner of Education to transfer funds from a town's ECS grant to a magnet school that the town participates in if the Commissioner finds that the local contribution is insufficient to support the town's share of the magnet school's budget. Should this occur the town would likely have to increase revenues from other sources to support its other educational endeavors or reduce expenditures in areas not related to magnet school participation.

Additionally section 6 may result in increased costs to school districts that are not agreed participants in a magnet school as it would allow students to attend a magnet school their town did not participate in if space was available. Districts impacted in this way would either have to increase revenues from other sources or reduce expenditures in areas not related to magnet school participation to continue funding their non-magnet school related programs.

Section 7 is technical and has no fiscal impact.

Section 8 eliminates sections of statute related to "poor performing schools" which would now be covered by the federal program set forth in No Child Left Behind, P.L. 107-110. However it should be

noted that the budget as passed by the General Assembly for FY 01 - 03 contained, and still contains funding for these schools. Although the grants could still be paid to the existing schools without statutory authority the existence of statutory authority would give the Commissioner of Education greater oversight in the expenditure of the funds. Section 10-223c CGS is the specific section that provides for the payment of these grants.

OLR Bill Analysis

sHB 5497

AN ACT IMPLEMENTING THE PROVISIONS OF PUBLIC LAW 107-110 AND CONCERNING INTERDISTRICT MAGNET SCHOOLS**SUMMARY:**

This bill aligns state law with the requirements of the new federal education law by (1) establishing additional statewide achievement tests for public school students in grades 3, 5, and 7, starting in the 2005-06 school year and (2) providing for a transition from the state's school accountability system to the new federal accountability requirements. It also changes the time for administering the elementary- and middle-level mastery tests from the fall to April annually, starting in the 2005-06 school year and broadens the test exemptions for students with limited English. It eliminates the state's current school accountability law, along with a special grant program for schools identified under it, and certain State Department of Education (SDE) reports and requirements, and makes conforming technical changes.

With regard to interdistrict magnet schools, the bill:

1. starting July 1, 2005, imposes additional enrollment restrictions on such schools, both reducing their maximum allowable enrollment from a single district, from 80% to 75%, and by requiring their minority enrollment to be at least 25%, but not more than 75%, of their total enrollment;
2. requires local school districts to provide financial support for the schools if they enroll students from the districts and allows the education commissioner to transfer a portion of a district's Education Cost Sharing (ECS) grant to the magnet school if he considers the district's support inadequate;
3. gives the education commissioner additional oversight over magnet school operating budgets; and
4. allows the commissioner to give the schools supplemental grants in the next two fiscal years, within available appropriations.

The bill also requires the commissioner to report annually, starting

February 15, 2003, to the Education Committee on implementation of the federal law.

EFFECTIVE DATE: July 1, 2002

STATEWIDE MASTERY TESTING

Additional Tests

Beginning in the 2005-2006 school year, the bill requires each public school student to take statewide mastery tests in the 3rd, 5th, and 7th grades in addition to the current requirement that they take mastery tests in the 4th, 6th, 8th and 10th grades.

The bill also specifies the content of the tests. Beginning in the 2005-2006 school year, the tests in grades 3-8 must cover reading, writing, and math. Beginning in the 2007-2008 school year, the bill requires each public school student to take a statewide science exam in the 5th, 8th, and 10th grades. Although the current law does not specify test content, the statewide 4th, 6th, and 8th grade tests already have math, reading, and writing components and the 10th grade test already has a science component.

As under current law, all mastery tests must be provided by, and given under the supervision of, the State Board of Education (SBE).

The bill's testing requirements must be implemented in accordance with P.L. 107-110, the "No Child Left Behind Act of 2001." That law mandates the new tests as a condition of the state receiving a grant under Title I of the federal Elementary and Secondary Education Act. Title I is the largest federal education grant to states and school districts. Under both the federal law and the bill, the tests do not have to be implemented if the education commissioner determines the state has not received sufficient federal funds to implement them.

Testing Schedule

The bill requires all mastery tests, both the current and the new tests, to be given in April of each year, starting in 2005-06 for the reading, writing, and math tests in grades 3-8 and starting in 2007-08 for the science tests in grades 5, 8, and 10. While current law already requires the 10th grade test to be given in the spring, it requires the 4th, 6th, and 8th grade mastery tests to be given in the fall.

Test Exemptions for Students With Limited English

The bill expands the mastery test exemption for limited English proficient students. Under the current law, only students enrolled in an English as a Second Language or bilingual program for 10 months or less are exempt. The bill exempts: (1) any student with limited English who has been enrolled in school for 10 months or less and (2) any such student enrolled in school for more than 10 but less than 20 months who did not meet the SBE's English language mastery standard on an assessment given the month before the statewide mastery test.

SCHOOL ACCOUNTABILITY***New Accountability Requirements***

The bill replaces the current state school accountability law with an accountability plan aligned with the new federal law and prepared by the education commissioner. The bill provides a transition from the current to the new program for the 28 schools already identified by the education commissioner as needing improvement under the state law.

Under the bill, the education commissioner must prepare a statewide education accountability plan that, consistent with the federal law and its regulations, (1) identifies schools and school districts needing improvement, (2) requires them to develop and implement improvement plans, and (3) uses a system of rewards and consequences. The bill requires the 28 schools already identified as needing improvement under current state law to continue in that status and continue implementing the improvement plans they developed under state law until June 30, 2004.

Under the bill, the 28 schools' progress must be evaluated by their local boards of education by December 1, 2002. If they find they are making insufficient progress, the local boards must develop new remediation and organization plans for these schools. Beginning in February 2003, the SDE must monitor the schools for adequate yearly progress, as defined in the state's federal accountability plan, and subject them to the rewards and consequences system in the plan. The 28 schools remain eligible for state and federal aid.

Under current law, the commissioner must issue a new list of

elementary and middle schools needing improvement based on mastery test data by February 1, 2003 and superintendents of school districts with schools on the list must meet with the commissioner to discuss how to improve school performance by April 1, 2003.

Programs and Requirements Eliminated

As noted above, the bill eliminates the state school accountability program that (1) requires SBE, every three years, to use mastery test scores and performance trends to compile a list of elementary and middle schools in need of improvement; (2) requires the education commissioner to meet and discuss the improvement plans with their districts' superintendents; (3) requires listed schools to develop and implement school improvement plans; and (4) for listed schools failing to make progress after two years, requires its local board to come up with a plan for restructuring or closing and reconstituting the school and transferring students and employees.

The bill eliminates a state grant program for school districts with one or more schools on the education commissioner's most recent list of schools needing improvement. Districts must use the grants to pay for (1) implementing required school improvement plans for those schools, (2) partnerships between the schools needing improvement and public libraries in the school district, and (3) actions needed for the schools to be accredited by the New England Association of Schools and Colleges.

The bill eliminates requirements that SDE (1) identify methods and programs, including professional development for teachers and administrators, instructional techniques, and governance and management structures and systems, shown to be successful in improving student performance in such areas as math, reading, and writing and (2) make information about the programs available to local school districts to help them address deficiencies in schools listed as needing improvement under the state accountability act.

Finally, the bill eliminates a requirement that the education commissioner report annually to the Education Committee on the implementation of improvement plans and on student achievement at listed schools.

INTERDISTRICT MAGNET SCHOOLS

Enrollment Restrictions

Starting July 1, 2005, the bill reduces the maximum percentage of students from one participating district that may enroll in an interdistrict magnet school from 80% to 75% of the school's total enrollment. As of the same date, the bill limits a magnet school's enrollment to no more than 75% and no less than 25% minority students, as defined in the state's racial imbalance law. That law currently defines racial minorities as people whose racial ancestry the Census Bureau defines as other than white. After July 1, 2005, the bill prohibits a school that fails to meet these standards from receiving a state magnet school operating grant, but it allows the commissioner to award a school a one-year grant for good cause.

The bill prohibits any student currently enrolled in an interdistrict magnet school from being displaced by these restrictions.

Local Support Requirements

The bill requires local school boards that send students to interdistrict magnet schools to support the magnet schools' operation. It authorizes a magnet school that considers a local district's contribution insufficient to support a proportional share of the magnet's educational expenses to ask the education commissioner to review the district's contribution. If the commissioner finds the local contribution insufficient, the bill authorizes him to withhold a reasonable amount of the district's ECS grant and transfer it to the magnet school as a supplementary operating grant.

The bill allows a magnet school with empty spaces to enroll any interested student directly into its program and requires the student's local board of education to contribute to the school's operation in accordance with the bill.

State Operating Budget Review and Oversight

The bill requires interdistrict magnet schools to include proposed operating budgets and funding sources with their annual applications for state operating grants. It requires them to meet with the commissioner or his designee at his request. If, between the time of the meeting and June 1, the applicant cannot produce a balanced operating budget for the school, the bill allows the commissioner to take over

and operate the school. If such a magnet school is owned by a regional educational service center and the state paid 100% of its construction or acquisition costs, ownership of the buildings and grounds reverts to the state.

Supplemental Grants

For FYs 2002-03 and 2003-04, the bill allows the education commissioner, after he has reviewed and approved the interdistrict magnet schools' total operating budgets, including all their revenue and spending estimates, to give supplemental grants, within appropriations, to enhance educational programs at the schools.

BACKGROUND

Federal "No Child Left Behind Act of 2001"

The new federal education law establishes an accountability system for states, school districts, and schools receiving federal education funds. The system requires states and local districts to have academic standards, make annual progress toward having every student achieve the standards and toward closing performance gaps between all students and certain subgroups of students, test students to see if they are learning, and report on how they are doing. The act also requires states to identify schools and school districts that are not making enough progress and follow a step-by-step process for either turning those schools around or reconstituting them and letting their students attend school elsewhere.

The new federal act establishes a regime of statewide achievement tests in reading or language arts, math, and science that states must follow. Test results provide the basis for measuring state, school district, and school progress toward ensuring that students meet challenging state knowledge and skill standards within 12 years. Under the act, test results are used to measure the performance of all students as a group and of each of four subgroups (major racial and ethnic minorities, students with limited English, disabled students eligible for special education, and students from poor families). Results are also used to compare school and school district performance and identify low-performing schools subject to special intervention measures.

28 Schools Needing Improvement

The following elementary and middle schools in the following school districts have been identified as needing improvement under the state accountability law.

Table 1: 28 Schools Needing Improvement

Bridgeport	Hartford	New Haven	New London	Waterbury	Windham
Beardsley	Batchelder	Clemente Middle	Edgerton	Driggs	Natchaug
Columbus	Betances	Clinton Ave.		Hopeville	
Madison	Burr	Fair Haven Middle			
	Hooker	Lincoln-Bassett			
	Kinsella	Hill Central			
	M.D. Fox Elementary	Mauro			
	Milner	Prince			
	Moylan/McDonough	Quinnipiac			
	Sanchez	J. Robinson Middle			
	SAND Everywhere	Truman			
	West Middle				

Related Bill

sHB, “An Act Concerning Revisions to the Education Statutes,” favorably reported by the Education Committee, expands the definition of minority under the racial imbalance law to include those whose ethnicity the Census defines as Hispanic or Latino, in addition to those it defines as “other than white,” who are already included in the current definition.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 21 Nay 7